

Internal memo

Development Services Department



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Date: June 10, 2024
To: Heritage Kitchener
From: Michelle Drake, Senior Heritage Planner, 519-741-2200 ext. 7839
cc: Garrett Stevenson, Director of Development and Housing Approvals, 519-741-2200 ext. 7070
Subject: DSD-2024-261
Notice of Intention to Designate 236 Gehl Place under Part IV of the
Ontario Heritage Act
Revised Staff Recommendation

REVISED STAFF RECOMMENDATION:

That pursuant to Section 37(1) of the *Ontario Heritage Act*, City Council authorize the entering into of a heritage conservation covenant or easement agreement with the owner of 236 Gehl Place in a form and content satisfactory to the City Solicitor and the City's Director of Development and Housing Approvals; and,

That the draft by-law dated June 10, 2024 attached to Development Services Department Internal memo dated June 7, 2024 as Appendix 'A', to allow the City to enter into a heritage conservation covenant or easement agreement with the owner of the lands described as LT 144 GERMAN COMPANY TRACT KITCHENER; PT LT 143 GERMAN COMPANY TRACT KITCHENER AS IN 368142, T/W 368142 PARTIALLY RELEASED BY WR154625; KITCHENER (being all of PIN 22728-0027 (LT)), and currently municipally addressed as 236 Gehl Place, for the conservation of the log house, be adopted.

BACKGROUND:

236 Gehl Place is a two-storey mid 19th century log structure built in the Georgian architectural style. The property is listed on the City's Municipal Heritage Register (MHR). A re-evaluation has concluded that the subject property meets five of nine criteria for designation under *Ontario Heritage Act Regulation 9/06* (amended by *Ontario Regulation 569/22*). An updated Statement of Significance was drafted and appended to DSD-2024-261. This work was undertaken: (i) as a response to a Site Alteration Permit that requests permission to grade the subject property, which will require the log house to be relocated elsewhere on the subject property; and, (ii) as part of the City's MHR Review, initiated in February of 2023 in response to Bill 23's deadline to designate listed properties before December 31, 2024.

Bill 200, Homeowner Protection Act, 2024 was introduced on May 27, 2024, proposed to extend Bill 23's deadline to December 31, 2027 and received Royal Assent on June 6, 2024. Heritage Planning staff prepared DSD-2024-261 before Bill 200 was introduced. With this new information, Heritage Planning staff believe an alternate tool can be used to conserve 236 Gehl Place during the Site Alteration Permit process. This tool is known as a Heritage Conservation Covenant Agreement / Heritage Conservation Easement Agreement. The City has used these types of agreements on other properties, and has sought input from municipal heritage planners across the Province who are also using these agreements to conserve cultural heritage resources.

The Heritage Conservation Covenant Agreement / Heritage Conservation Easement Agreement will enable the City to legally protect the heritage attributes and cultural heritage significance of the log house under Section 37 of the *Ontario Heritage Act*, and outline obligations related to, but not limited to: partial demolitions and relocation of the log house; future redevelopment and rehabilitation of the log house; conservation principles, standards and guidelines; maintenance; alterations; emergencies; prohibited activities; approvals; insurance; building demolition or rebuilding; securing a letter of credit; etc.

APPENDIX 'A'

Draft
June 10, 2024

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to allow the City to enter into a heritage covenant or easement agreement with the owner of 236 Gehl Place, Kitchener for the conservation of a log house).

WHEREAS section 37(1) allows council of a municipality to pass a by-law providing for the entering into of covenants or easements with owners of real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS there is a house located on land described as LT 144 GERMAN COMPANY TRACT KITCHENER; PT LT 143 GERMAN COMPANY TRACT KITCHENER AS IN 368142, T/W 368142 PARTIALLY RELEASED BY WR154625; KITCHENER (being all of PIN 22728-0027 (LT)), and currently municipally addressed as 236 Gehl Place, in the City of Kitchener (the "Log House");

AND WHEREAS Council and the owner of the Log House recognize that the Log House is a structure of cultural heritage value or interest;

AND WHEREAS the municipal heritage committee in Kitchener known as Heritage Kitchener supports the entering into of a covenant or easement with the owner of the Log House to conserve the Log House;

AND WHEREAS Council and the owner of the Log House wish to conserve the Log House;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. That the Mayor and Clerk be authorized to enter a heritage covenant or heritage easement with the owner of a farmhouse known as the Log House, satisfactory to the City Solicitor and authorize staff to take such steps as may be necessary to register the heritage covenant or easement against title to the real property affected.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2024.

Mayor

Clerk